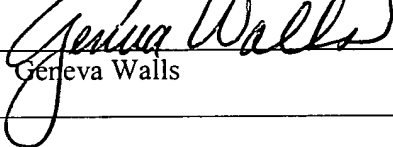


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Florence Rivera et al.
SERIAL NO.: 10/580,453 CONFIRMATION NO.: 4203
FILING DATE: May 23, 2006
TITLE: In Vivo Diagnostic And Therapy Micro-Device
EXAMINER: Not Yet Assigned
ART UNIT: Not Yet Assigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: mail stop PCT, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date: 3-30-07 Signature: 
Geneva Walls

**Mail Stop: PCT
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Sir:

This paper is in responsive to the Notification of Missing Requirements under 35 U.S.C. 371 dated February 21, 2007 to the above-identified application.

Remarks/Arguments begin on page 2 of this paper.

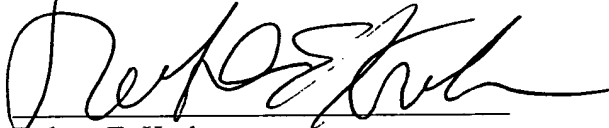
REMARKS/ARGUMENTS

Attached hereto is a copy of the Declaration as originally filed in the United States Patent Office on May 23, 2006 which identifies the application by the International application number and International filing date in compliance with 37 CFR 1.497(a); a copy of the Transmittal Letter PTO-1390 form where Applicant herewith submits the following item noted on line number nine (9) and a copy of the return postcard identifying submission of the Declaration and Power of Attorney. Accordingly, it is hereby respectfully requested that the requirement for a Oath or Declaration of the inventors be withdrawn. Also, a copy of the Notification of Missing Requirements under U.S.C. 371 is enclosed.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Dated: March 30, 2007

Respectfully submitted,
THELEN REID BROWN RAYSMAN & STEINER LLP



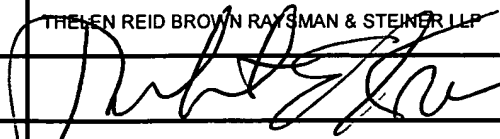
Robert E. Krebs
Reg. No. 25,885

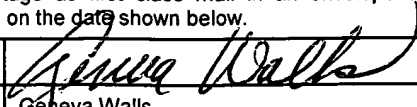
THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel: (408) 292-5800
Fax: (408) 287-8040

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/580,453	
	Filing Date	May 23, 2006	
	First Named Inventor	Florence Rivera	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	12	Attorney Docket Number	034299-698

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Notification of Missing Requirements Under 35 U.S.C. 371 <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Copies of the Declaration & POA; Transmittal Letter; Returned Postcard; Notification of Missing Requirements Under 35 U.S.C. 371; Postcard.
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	THE LEN REID BROWN RAYSMAN & STEINER LLP		
Signature			
Printed Name	Robert E. Krebs		
Date	30 May 2007	Reg. No.	25,885

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Geneva Walls	Date	3-30-07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

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 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/580,453	Florence Rivera	034299-000698

 Robert E. Krebs
 Thelen Reid & Priest
 P.O. Box 640640
 San Jose, CA 95164-0640

 RECEIVED
 FEB 23 2007
 TRBRS LLP
 Patent Docket

INTERNATIONAL APPLICATION NO.	
PCT/FR04/50602	
I.A. FILING DATE	PRIORITY DATE
11/19/2004	11/27/2003

 CONFIRMATION NO. 4203
 371 FORMALITIES LETTER


OC000000022566151

Date Mailed: 02/21/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/23/2006
- Copy of the International Search Report filed on 05/23/2006
- Copy of IPE Report filed on 05/23/2006
- Copy of Annexes to the IPER filed on 05/23/2006
- Preliminary Amendments filed on 05/23/2006
- Information Disclosure Statements filed on 09/05/2006
- Request for Immediate Examination filed on 05/23/2006
- U.S. Basic National Fees filed on 05/23/2006
- Assignment filed on 05/23/2006
- Priority Documents filed on 05/23/2006
- Specification filed on 05/23/2006
- Claims filed on 05/23/2006
- Abstracts filed on 05/23/2006
- Drawings filed on 05/23/2006

ACTION DUE:

Missing Parts Due

DUE/RMR DATE:

4/21/07

DEADLINE DATE:

9/21/07

DOCKETED BY:

TA

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$90** for a Large Entity:

- **\$130 Surcharge.**

(A previous payment of **\$40** will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/580,453	PCT/FR04/50602	034299-000698

FORM PCT/DO/EO/905 (371 Formalities Notice)

Adjustment date: 04/05/2007 MKAYPAGH
 05/31/2006 MKAYPAGH 00000091 10580453
 06 FC:1206 -40.00 OP

04/05/2007 MKAYPAGH 00000082 501698 10580453
 01 FC:1617 90.00 DA 40.00 OP

COPY

PTO-1390 (Rev. 07-2005)
 Use through 3/31/2007, OMB 0651-0021
 U.S. DEPARTMENT OF COMMERCE
 U.S. Patent and Trademark Office

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 034299-000698 U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/FR2004/050602	INTERNATIONAL FILING DATE November 19, 2004	PRIORITY DATE CLAIMED November 27, 2003
TITLE OF INVENTION IN VIVO DIAGNOSTIC AND THERAPY MICRO-DEVICE		
APPLICANT(S) FOR DO/EO/US RIVERA, Florence, CAILLAT, Patrice, COCHET, Martine, BERTHIER, Jean		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input checked="" type="checkbox"/> The US has been elected (Article 31).		
5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))		
a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input checked="" type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input checked="" type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).		

EV310856484US

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/FR2004/050602	ATTORNEY'S DOCKET NUMBER 034299-000698
20. Other items or information: Requete PCT, PCT/IB/311, WO 2005/053775, PCT/ISA/220, PCT/ISA/210, PCT/ISA/237, PCT/IB/308; PCT/IPEA/401		
The following fees have been submitted:		Calculations
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300		\$ 300
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200		\$ 200
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500		\$ 400
TOTAL OF 21, 22 and 23 =		\$ 900
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(i)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	RATE
- 100 =	/50 =	x \$250
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	24 - 20 = 4	x \$50
Independent claims	3 - 3 = 0	x \$200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
TOTAL OF ABOVE CALCULATIONS =		\$ 1,100
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
SUBTOTAL =		\$ 1,100
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
TOTAL NATIONAL FEE =		\$ 1,100
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$ 40
TOTAL FEES ENCLOSED =		\$ 1,140
Amount to be refunded:		\$
Amount to be charged:		\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 50-1698 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1698. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.
- NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert E. Krebs
Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
T: 408-292-5800
F: 408-287-8040



SIGNATURE

Robert E. Krebs
NAME

25,885
REGISTRATION NUMBER

BEST AVAILABLE COPY

COPY

Serial/Patent No.: unassigned **10/580453** Filing/Issue Date: _____
Applicant: RIVERA, Florence et al.
Title: IN VIVO DIAGNOSTIC AND THERAPY MICRO-DEVICE
TRP Docket No.: 034299-000698 **AP7 Rec'd PCT/PTO 23 MAY 2006**
Date Mailed: _____ Atty/Sec'y Initials: REK/lh
Docket Due Date: 5/27/06

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input type="checkbox"/> IDS & PTO 1449 (____ pgs.)
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> _____ Pieces of Prior Art Enclosed
<input checked="" type="checkbox"/> Application - Utility (<u>25</u> pgs. with cover & abstract)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input checked="" type="checkbox"/> Submission of Formal Drawings: <u>10</u> # of sheets includes <u>11</u> figures
<input type="checkbox"/> Application - Rule 1.53(b) Division (____ pgs.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Application - Rule 1.53(d) CPA (____ pgs.)	<input checked="" type="checkbox"/> Preliminary Amendment (<u>3</u> pgs.)
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Reply Brief (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Req and Cert. Not to Publish - Rule 1.213
<input checked="" type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Request for Continued Examination (RCE) (____ pgs.)
<input type="checkbox"/> Certificate of Correction	<input type="checkbox"/> Request for Extension of Time _____ Month(s)
<input type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Response to Notice to File Missing Parts
<input checked="" type="checkbox"/> Declaration & POA (<u>3</u> pgs.)	<input type="checkbox"/> Copy of PTO Notice to File Missing Parts
<input type="checkbox"/> Fee Transmittal	<input checked="" type="checkbox"/> Transmittal Letter (original & copy)
<input type="checkbox"/> Drawings (informal): _____ # of sheets includes _____ figures	<input checked="" type="checkbox"/> Express Mail No.: <u>EV310 856 484US</u>
<input checked="" type="checkbox"/> Other: Credit Card Payment Forms; Request: PCT; PCT/IB/311; WO 2005/053775; PCT/ISA/220; PCT/ISA/210; PCT/ISA/237; PCT/IB/308; PCT/IPEA/401	<input checked="" type="checkbox"/> Credit Card Payment <u>\$1,100.00 and \$40.00</u>
	<input type="checkbox"/> Deposit Acct. No. 50-1698 \$ _____
	Patent Code: <u>1011, 1111, 1311</u>
	Client/Matter # <u>34299 - 698</u>